

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0794/F	CASE OFFICER	Lisa ODonovan
LOCATION:	ROCKLANDS Foxhill Sandy Lane Rockland All Saints Rocklands	APPNTYPE:	Full
APPLICANT:	Mr Norton Upstone Foxhill, Sandy Lane Rockland All Saints	POLICY:	Out Settlemnt Bndry
AGENT:	Jon Boon Architects The Enterprise Centre University Drive	ALLOCATION:	N
PROPOSAL:	Demolition of existing agricultural buildings and erection of a 2-bed dwelling and cart shed, including associated external works	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is brought to Committee as the recommendation is contrary to Policy.

KEY ISSUES

Principle
Impact on character and appearance of the area
Amenity impact
Highway safety
Impact on trees
Ecological Implications

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the removal of existing outbuildings and the erection of a dwelling and garage/log store.

The proposed dwelling will be single storey and will comprise of 2 bedrooms. Materials are proposed as new facing brickwork, weatherboarding and black glazed pantiles, although precise details have not been provided.

SITE AND LOCATION

The land is currently laid to grass with some low level hedging and mature trees to the front boundary. The buildings are visible from the road. The main building within the site comprises of block and pantiles. The site is surrounded by woodland and mature vegetation on all other boundaries.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PN/2017/0047/UC - Change of use of agricultural building to dwelling (permitted development) - Permission

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.04	Infrastructure
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

ROCKLANDS P C

Rocklands Parish Council would like to make the following comments about the above application at Foxhill, Sandy Lane, Rocklands: This proposal, for a single storey, 2-bedroom detached dwelling is comparatively modest and being not disproportionately larger than the existing footprint of the main building, would not have a serious or negative impact on the openness of the countryside. It will make use of a plot of land that only has redundant agricultural buildings on it and according to the Planning Statement, the applicant would make considerable improvements to the site through soft landscaping with tree planting, shrubs and hedging. Whilst this proposal lies well outside our settlement boundary, we are still keen to ensure that the surrounding countryside is not encroached upon in an inappropriate manner. However, as this land already

has some minor development on it, we see this application as a positive addition to our Parish with improvements being made and a minor addition to our housing stock. It is also likely that most traffic accessing the dwelling, will come from the Shropham, Mount Pleasant direction as this is the quickest route from major roads such as the A11 and will therefore not greatly affect the traffic along Sandy Lane, which is a single lane road. Taking the above into consideration, Rocklands Parish Council has no objection to this application.

NORFOLK COUNTY COUNCIL HIGHWAYS

The site is located remotely from services, amenities and education provision and it is considered that any occupants would be reliant on travelling by car to access these.

However given that the site already has approval for residential purposes, which could be implemented in any event, I consider it would be difficult to substantiate a highway objection in respect of this alternative proposal.

TREE AND COUNTRYSIDE CONSULTANT

No objection subject to condition.

CONTAMINATED LAND OFFICER

No objection subject to condition.

ENVIRONMENTAL HEALTH OFFICERS

There are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection subject to condition.

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

Site notice erected: 23-07-2018

Consultations issued: 16-07-2018

12 letters of support were received throughout the consultation process.

ASSESSMENT NOTES

The plot benefits from a live permission under the Class Q Permitted Development regulations to convert the building to a dwelling. This is a material factor when determining this application.

The site lies approximately 1 mile from the nearest Settlement Boundary to the North at Rockland All Saints. For this reason the proposal conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

Economic - The proposal would provide one new dwelling and would therefore make a positive, albeit small, contribution to the housing supply. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction. However, given the small scale nature of the development these benefits are not considered to be significant and not definitive in this instance.

Social - The village of Rocklands is classified in Policy SS1 as a rural settlement which are villages that are usually dependent on higher order settlements for access of services and facilities. It is split into two sections, one to the north is known as Rockland St Peter and one to the south is known as Rockland All Saints, the services (a public house, a shop with post office, a primary school and village hall) are available within the southern section. The site is a considerable distance from these services, approximately 1 mile along unlit, unpaved country roads, therefore the likelihood of walking or cycling this distance is limited. This element weighs against the proposal.

Impact on the character and appearance of the area

The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is, therefore, integral to the environmental dimension of sustainable design, as is its design.

Policy CP11 seeks the protection and enhancement of the landscape for the sake of its intrinsic beauty and benefit to the rural character. Development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including consideration of individual or groups of natural and man-made features such as trees, hedges and woodland or rivers, streams or other topographical features.

Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

The site is located a considerable distance from any defined Settlement Boundary, However it is noted that the site already has permission via the Class Q permitted development allowances for the conversion of the existing building on site to residential use. This proposal seeks permission for a new dwelling, however will incorporate the walls and footprint of the existing building within its design and shell. This combined with the minor alterations and extension and the modest scale overall is considered acceptable in terms of character impact. The work will be improvement to the appearance of the site as a whole and the hedges and tree lined boundary screening contains the development and helps to reduce its impact on the wider landscape, i.e., the development will not appear as an encroachment into the open countryside. In light of these factors, the proposal is considered to accord with the environmental role of sustainable development whilst also complying with the design policy of the Adopted Local Plan.

Amenity impact

Policy DC1 seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

The proposed dwelling will be situated within a well-screened plot. The modest scale of the dwelling will also ensure that any impact on the nearest neighbouring property at Foxhill will be limited. The dwelling will be set to the western edge of the site, where the current buildings are sited, however there will be limited to no views of the dwelling from the dwelling at Foxhill given the screening, separation distance (approximately 70metres from the side elevation fo Foxhill to the nearest side boundary of the site) and modest scale of the dwelling proposed. The site also provides the proposed dwelling with a generous amount of private amenity space. In light of these factors the proposal is considered to accord with Policy DC1.

Highway safety

Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Policy DC19 requires sufficient Parking for all new development.

The proposal provides sufficient parking space and turning within the site to cater for the proposed residential use. The Highway Authority was consulted and advised that they are aware that the site already has permission (3PN/2017/0047/UC) for the conversion of the existing outbuildings, granted approval at Appeal ,and that the applicant intends demolishing these buildings and erecting a new dwelling instead.

The site is located remotely from services, amenities and education provision and it is considered that any occupants would be reliant on travelling by car to access these.

However given that the site already has approval for residential purposes, which could be implemented in any event, I consider it would be difficult to substantiate a highway objection in respect of this alternative proposal.

Impact on trees

Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development. None of the trees within the applicant's ownership are covered by a TPO.

The application was accompanied by a Tree Survey. The Tree and Countryside Officer is satisfied that the development will not adversely impact the trees on site subject to work taking place in accordance with the Arboricultural Impact Assessment and Tree Protection Plan provided, this will be conditioned.

Ecological implications

Policy CP10 seeks the enhancement of biodiversity and geodiversity in the district. Proposals need to ensure that the ecological network and protected species are not harmed or detrimentally impacted and mitigation measures are put in place where appropriate.

The application was accompanied by a Preliminary Ecological Appraisal which was sent to the Ecology Team for assessment. It was concluded that it is agreed that the proposed works are unlikely to impact on

designated site including the County Wildlife Site south of the site due to the small footprint of the proposed development. We support the mitigation measures proposed in paragraphs 8.2 and 8.4 of the Preliminary Ecological Appraisal report (Greenlight Environmental Consultancy; July 2018).

The buildings on site were assessed as having negligible potential to support roosting bats and no trees on the site are to be directly impacted by the proposed works. The report highlights the site does offer suitable commuting/ foraging habitat. The precautionary methods of working outlined in section 8.8 and enhancement measures outlined in section 8.9 of the report are supported.

The report highlighted there was no suitable habitat for nesting birds on the site. However, if any works affecting bird nesting habitat near the site is proposed, the recommendation in 8.11 of the report is supported. Some enhancement for ecology should be conditioned, in line with the NPPF (Para 118). It is suggested that the applicant is required to provide enhancement measures outlined in section 8.12 of the Preliminary Ecological Appraisal report (Greenlight Environmental Consultancy; July 2018).

Terrestrial habitats on site and within the proposed area of works were considered unsuitable for GCN, comprising of managed improved grassland. There are suitable aquatic habitats within 250m but the data search indicated no records of GCN within 2km. The precautionary measures outlined in section 6.17 and enhancement measures outlined in section 8.19 of the Preliminary Ecological Appraisal report (Greenlight Environmental Consultancy; July 2018) are supported. These measures will also minimise likely impacts on reptiles to acceptable levels.

Hedgehogs are likely to commute/ forage across the site. The mitigation measures outlined in section 8.27 of the Preliminary Ecological Appraisal report (Greenlight Environmental Consultancy; July 2018) are also supported.

In light of the above, and the relevant mitigations measures and enhancement being conditioned, the proposal is considered have due regard to Policy CP10.

Planning Balance

The application does not accord with the adopted development plan as the site falls outside of any settlement boundary. However, the Council does not currently have a 5 year land supply as required by the NPPF and this development would provide a small contribution towards Breckland's Housing supply. On this basis, the other key principle considerations for this proposal must be assessed and are whether the site is a sustainable location for housing and the visual impact on the countryside.

The site will utilise an existing building on site which already has permission to be converted to a single dwelling. The proposal seeks permission for a very modest, single storey dwelling which will subsume the existing dwelling within its fabric. On this basis, the development of the site would not negatively impact the character and appearance of the countryside and therefore complies with Policy CP 11.

The site is not in a sustainable location with good access to services and facilities. This is a negative aspect of the proposal, and does not accord with policies SS01 and CP14.

When applying the tilted balance required by paragraph 11 of the NPPF, the previous and in date approval weighed against the the small negative harm created by the site's location away from services and facilities for one dwelling, is considered to be outweighed by the positive contribution towards housing in the district and due to the aforementioned reasons the development will not cause significant harm to the street scene or character and appearance of the countryside.

In accordance with paragraph 11 of the NPPF, no harm has been identified which would significantly and demonstrably outweigh the benefits, and therefore the grant of planning permission subject to conditions, is recommended.

RECOMMENDATION

Planning Permission

CONDITIONS

- 1 Full Permission Time Limit (2 years)**

The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.

Reason for condition:-
As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.
- 2 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-
To ensure the satisfactory development of the site.
- 3 External wall and roof materials to be agreed**

No development beyond slab level shall take place until precise details, (including samples where required), of the materials used in the construction of the external walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.

Reason for condition:-
To enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged
- 4 New access**

Prior to the first occupation use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan in accordance with the highway specification Dwg. No. TRAD 5 attached. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason for condition:-
To ensure satisfactory access into the site and avoid carriage of extraneous material of surface water from or onto the highway.
- 5 Provision of parking and servicing - when shown on plan**

Prior to the first occupation of the development hereby permitted the proposed access, parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in

accordance with the approved plan and retained thereafter available for that specific use.

Reason for condition:-

To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

6 Contaminated Land - Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.

This condition will require to be discharged

7 Ecology - mitigation and enhancements

The mitigation and enhancement measures outlined in sections 8.2, 8.4, 8.9, 8.11, 8.12, 6.17, 8.19 and 8.27 of the Preliminary Ecological Appraisal report (Greenlight Environmental Consultancy; July 2018) shall be implemented. Details of the enhancement measures shall be evidenced and details agreed by the Local Planning Authority prior to first occupation.

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect and enhance the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

8 Trees

Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) provided by Greenlight dated 6th July 2018. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP. Works shall not commence until written confirmation has been obtained from the appointed arboriculturalist to confirm that fencing is in place as specified. The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the Local Planning Authority has been sought and obtained.

Reason for condition:-

In order to safeguard the protection of trees from the outset of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

9 No PD rights for garages and ancillary buildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no further ancillary buildings, as defined within Class E of Part 1 of Schedule 2 of that Order shall be erected without the submission of an appropriate planning application being first submitted to and approved by the Local Planning Authority.
Reason for condition:-

In order to protect the character and appearance of the area and in accordance with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

14 Variation of approved plans

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.